



## Task Force on Trial Court Employees

### Meeting Minutes

June 3–4, 1998

DoubleTree Hotel, San Jose, California

#### **ATTENDEES:**

**Hon. James A. Ardaiz, Chair**

#### **TASK FORCE MEMBERS:**

##### **PRESENT:**

Ms. Pamela Aguilar  
Marshal Barbara J. Bare  
Hon. Aviva K. Bobb  
Mr. Gary Cramer  
Hon. Charles D. Field  
Ms. Karleen A. George  
Ms. Diane Givens  
Ms. Mary Louise Lee  
Mr. Ronald G. Overholt  
Ms. Christine E. Patton  
Mr. Steve Perez  
Sheriff Charles Plummer  
Mr. John Sansone  
Mr. Larry Spikes  
Mr. Robert Straight  
Mr. Mike Vargas  
Mr. Robert Walton

##### **ABSENT:**

None

#### **PRESENTERS:**

Ms. Rita Finchum, Personnel Management Manager,  
Human Resources Bureau, Administrative Office of the  
Courts  
Ms. Sheila Gonzalez, Executive Officer of the Ventura County  
Superior and Municipal Coordinated Courts  
Mr. Fritz Ohlrich, Court Administrator of the Los Angeles,  
Inglewood, and South Bay Municipal Courts  
Mr. Anthony Williams, Legislative Analyst, Office of  
Governmental Affairs, Administrative Office of the  
Courts  
Mr. Drew James, Consultant, William M. Mercer, Inc.

#### **AOC STAFF:**

Ms. Judy Myers, Director, Human Resources Bureau,  
Administrative Office of the Courts  
Ms. Amy Brown, Attorney, Council and Legal Services  
Division, Administrative Office of the Courts  
Ms. Kate Harrison, Asst. Director, Trial Court Services  
Division, Administrative Office of the Courts  
Ms. Sharon Smith, Director's Intern, Human Resources Bureau,  
Administrative Office of the Courts  
Ms. Hazel Ann Reimche, Human Resources Analyst, Human  
Resources Bureau, Administrative Office of the Courts  
Ms. Kay Galbraith, Human Resources Analyst, Human  
Resources Bureau, Administrative Office of the Courts  
Ms. Emma Adarlo, Secretary, Human Resources Bureau,  
Administrative Office of the Courts

#### **FACILITATOR:**

Ms. Liz Schiff, Organizational Development Specialist,  
Human Resources Bureau, Administrative Office  
of the Courts

#### **GUESTS:**

Mr. Alex MacBain, Fiscal & Policy Analyst,  
Legislative Analyst's Office  
Ms. Janice Stanger, Consultant, William M. Mercer, Inc.  
Ms. Lyn Vraa-Tarr, Consultant, William M. Mercer, Inc.

**June 3, 1998**

**I. OPENING REMARKS**

- Justice James A. Ardaiz welcomed members of the task force and called the meeting to order at 10:15 a.m.
- Justice Ardaiz commented that trial court funding is a major milestone in California, for the California judiciary and for California government in general. He noted that each task force member is on the committee because he or she has a very specific expertise, function, and point of view that needs to be considered and respected. He asked the members to keep an open mind in order to achieve the task force objectives.
- Justice Ardaiz introduced Ms. Judy Myers, Human Resources Director, Administrative Office of the Courts and principal staff to the task force. Ms. Myers led the orientation exercise for the task force members.

**II. INTRODUCTION OF TASK FORCE MEMBERS, ADMINISTRATIVE OFFICE OF THE COURTS STAFF, AND CONSULTANTS**

- The task force members introduced themselves and indicated their organization, their area of expertise, whom they were appointed by, and their expectations for the task force.
- Ms. Myers introduced the staff from the Administrative Office of the Courts; Alex McBain, Fiscal and Policy Analyst from the Legislative Analyst's Office; and consultants from William M. Mercer, Inc.
- Justice Ardaiz announced the intention of obtaining the legal services of Joseph E. Wiley of Wiley, Price, and Radulovich of Alameda, California. He stated that this consultant would have the responsibility of researching and reviewing the statutes to ensure consistency and to verify that recommendations made by the task force do not interfere with existing statutes. Justice Ardaiz has engaged the services of Professor Joseph Grodin, a professor of labor law at the University of California, Hastings College of Law. Professor Grodin is a labor representative and an expert in labor law. He is also a former member of the Court of Appeal and the Supreme Court. Justice Ardaiz noted that these legal consultants are being utilized because of the complicated legal issues involved in the project.

**III. OVERVIEW OF THE OBJECTIVES, AGENDA, AND PROPOSED GROUND RULES**

- Ms. Myers gave an overview of the objectives for the meeting, which included:
  - 1) Clarify the charges, duties, and objectives of the task force based on the statute
  - 2) Provide helpful background material to facilitate the task force's ability to complete its charge
  - 3) Review the statute and identify what information is critical for completing the charge of the task force, and what methods should be utilized to obtain the information
  - 4) Determine how the task force will operate and proceed with its duties

- The following suggested ground rules were presented for discussion and consideration, and were adopted by the task force members:
  - a) Participate fully
  - b) Stay focused on common goals and objectives
  - c) Keep an open mind (listen before concluding)
  - d) Everyone's contributions carry equal weight
  - e) No side conversations
  - f) Be mindful of air time (don't "hog" the floor)
  - g) Treat task force members with respect inside and outside of the meeting
  - h) Practice confidentiality where appropriate
  - i) Mind the time (start on time, end on time; return from breaks on time)
  - j) No phone calls; beepers on vibrate

These ground rules will be periodically reviewed and revised as necessary.

#### **IV. PRESENTATION ON CALIFORNIA'S TRIAL COURT SYSTEM**

- Ms. Sheila Gonzalez and Mr. Fritz Ohlrich presented an overview of the California trial court system and described the differences and similarities among the trial courts. Organizational charts gave graphic representations of the differences in size and structure of small, medium, and large courts.
- Provided an overview of the responsibilities of staff who work in trial courts. The presentation concluded with a discussion of the issues facing the courts and the diversity of the California court system. The overhead handouts were mailed to all task force members.

#### **V. HUMAN RESOURCES EDUCATION SESSION: CLASSIFICATION**

- Ms. Rita Finchum presented classification and compensation concepts. Common terms used in the classification process, such as job family, job series, job classification, employee, and position, were defined. An analogy using chairs was employed to further illustrate these concepts.
- Ms. Finchum explained "job classification" and how it is a very important tool in public personnel management and is used as the foundation for other personnel processes such as recruitment, selection, training, performance management, and discipline. The overhead handouts were mailed to all task force members.

#### **VI. HUMAN RESOURCES EDUCATION SESSION: EMPLOYEE STATUS ISSUES**

- Ms. Amy Brown discussed "status," a term frequently used in the Lockyer-Isenberg Trial Court Funding Act of 1997, and other employee status issues. The statute does not define the term "status." At a global level, status may mean who the employer is. At a micro level, status may connote other meanings—for example, employees in the same court may have different types of status such as Fair Labor Standards Act designations.
- Ms. Brown pointed out that part of her responsibility, as staff to the task force, is to advise the task force about legal definitions of terms such as permanent, regular, temporary, full-

time, part-time, just-cause, at will, civil service, exempt, and non-exempt. It is important for the task force to be familiar with these terms because the statute requires the task force, after conducting the survey of current status, to make recommendations regarding the employment status of trial court employees (state, county, court, or other).

- Finally, the statute requires the task force to prepare a method for submitting the issue of employment status to trial court employees for an advisory vote. A copy of Ms. Brown's slide presentation was mailed to all task force members.

## **VII. OVERVIEW OF THE TRIAL COURT FUNDING ACT OF 1997 AND HISTORY OF TRIAL COURT FUNDING IN CALIFORNIA**

- Mr. Anthony Williams discussed how the Lockyer-Isenberg Trial Court Funding Act of 1997 was designed to (1) increase the state's responsibility for funding the courts, recognizing it as a state system while keeping in mind local considerations, and (2) provide significant fiscal relief to counties as well as a stable funding source for the courts. The charge of the task force is to be consistent with both those goals, recognizing the complexities of all the issues.
- Mr. Williams discussed Senate Bill 2139, the bill that has been introduced in the Legislature to make the statutory changes necessary to implement Proposition 220, which provides the option for unification of the superior and municipal courts. Mr. Williams discussed SB 2139 and Proposition 220 as some of the issues facing California's trial courts. A copy of Mr. Williams' slide presentation was mailed to all task force members.

## **VIII. HUMAN RESOURCES EDUCATIONAL SESSION: SURVEY AND ACTUARIAL ISSUES**

- Mr. Drew James delivered a presentation about local retirement systems, future retirement options, and the funding of benefits.
- Mr. James and his staff will be developing and designing the task force survey and performing the actuarial calculations for the task force. His discussion focused on the wide variety of possible benefit options and retirement plans that will be included in the survey of the courts within the 58 counties.
- His presentation also addressed various options for member contributions and employer contributions for funding benefits. A copy of Mr. James' slide presentation was mailed to all task force members.

## **IX. CLOSING REMARKS**

- Justice Ardaiz asked the task force members to consider public information, communication, and access issues for discussion the next day. The meeting was adjourned at 5:05 p.m.

**June 4, 1998**

**I. OPENING REMARKS**

- Justice Ardaiz welcomed everyone and called the meeting to order at 8:00 a.m. on June 4, 1998. He reviewed the events and objectives of the previous day.
- Issues and dates for future meetings were discussed and the task force agreed to make a decision at the July meeting regarding the definition of “court employee.” Members agreed to change the date of the August task force meeting from 20–21 to 19–20.

**II. CALL FROM CHIEF JUSTICE RONALD M. GEORGE**

- Chief Justice Ronald M. George welcomed the task force members and staff. He congratulated the members for accepting this historic responsibility and undertaking.

**III. BREAKOUT SESSION: AN IN-DEPTH REVIEW OF TASK FORCE RESPONSIBILITIES**

- Justice Ardaiz introduced the breakout sessions to the members.
- Ms. Liz Schiff, the facilitator for the meeting, was introduced to the members.
- Ms. Myers explained the following objectives of the breakout session:
  - 1) Understand the requirements of the Trial Court Funding Act
  - 2) Recognize the complexity of the issues involved in developing a new personnel system for the 58 counties
  - 3) Determine the information needs of the task force
- Task force members broke into three groups to analyze and categorize issues in the three areas of:
  - 1) **Classification:**  
Issues involved in identifying specific positions, job titles, duties, etc.
  - 2) **Cost:**  
Cost of employees (salary, benefits, retirement, etc.), cost of support services provided by counties to courts, and state funding and fiscal responsibilities.
  - 3) **Status:**
    - a) County, state, court, or other
    - b) Civil service, at will, just cause
    - c) Represented v. non-represented

**IV. BREAKOUT SESSION: REPORT BACK**

- A representative from each of the three groups reported a summary of the group’s discussions and decisions back to the full group and a general discussion with the entire task force took place. Information taken during the breakout session on classification, costs, and status was mailed to all task force members.

## **V. GROUP DISCUSSION—ASSUMPTIONS REGARDING STATUTORY MANDATE**

- Justice Ardaiz stated that the purpose of the assumptions is to avoid any confusion about the scope of the task force's recommendations.
- The members voted:
  - 1) On what the statutory mandate is and agreed to abide by it
  - 2) To use statutory language when defining terms
  - 3) That section 77605 is not within the mandate of the task force's charge

## **VI. GROUP DISCUSSION—GOVERNANCE ISSUES**

- Justice Ardaiz proposed the creation of an executive committee to make decisions in between task force meetings to assist staff.
- The members decided to defer the decision about a task force executive committee until the next meeting.

## **VII. GROUP DISCUSSION—PUBLIC INPUT AND COMMUNICATION**

- Task force members discussed:
  - 1) The issue of public input and communication
  - 2) Various options to achieve the following goals:
    - a) Two-way communication
    - b) Opportunity for public input
    - c) Consideration of public input by task force
  - 3) Distribution and approval of the meeting minutes
- Members decided to include approval of minutes as an agenda item at the next meeting.
- Task force members brainstormed possibilities for communication.
- Justice Ardaiz told the task force that staff would explore the pros, cons, and feasibility of the suggestions provided by task force members and present them at the next meeting.

## **VIII. CLOSING REMARKS**

- The meeting was adjourned at 3:05 p.m.